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SECTION 56

1 SECTION 56. 77.53 (4) of the statutes is repealed.

2 SECTION 57. 77.53 (9) of the statutes is amended to read:

3 77.53 (9) Every retailer selling tangible personal property or taxable services  
4 for storage, use or other consumption in this state shall register with the department  
5 and obtain a certificate under s. 73.03 (50) and give the name and address of all  
6 agents operating in this state, the location of all distribution or sales houses or offices  
7 or other places of business in this state, the standard industrial code classification  
8 of each place of business in this state and the other information that the department  
9 requires. Any person who may register under this subsection may designate an  
10 agent, in writing, to register with the department under this subsection, subject to

11 the department's approval. *in a manner prescribed by the dept.*

12 SECTION 58. 77.53 (9m) of the statutes is amended to read:

13 77.53 (9m) Any person who is not otherwise required to collect any tax imposed  
14 by this subchapter and who makes sales to persons within this state of tangible  
15 personal property or taxable services the use of which is subject to tax under this  
16 subchapter may register with the department under the terms and conditions that  
17 the department imposes and shall obtain a valid certificate under s. 73.03 (50) and  
18 thereby be authorized and required to collect, report and remit to the department the  
19 use tax imposed by this subchapter. Any person who may register under this  
20 subsection may designate an agent, in writing, to register with the department  
21 under this subsection, subject to the department's approval. *in a manner prescribed by the dept.*

22 SECTION 59. 77.53 (11) of the statutes is amended to read:

23 77.53 (11) The certificate referred to in sub. (10) relieves the person selling the  
24 property or service from the burden of proof only if taken in good faith from a person  
25 who is engaged as a seller of tangible personal property or taxable services and who

*Amend 77.53(10) number to 77.52(13)*

*Adopted  
for 2003  
Agreement  
3/17/03  
B*

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SECTION 59

1 holds the permit provided for by s. 77.52 (9) and who, at the time of purchasing that  
2 the person purchases the tangible personal property or taxable service, intends to  
3 sell it in the regular course of operations or is unable to ascertain at the time of  
4 purchase whether the property or service will be sold or will be used for some other  
5 purpose, or if taken in good faith from a person claiming exemption. The certificate  
6 shall be signed by and bear the name and address of ~~provide information that~~  
7 identifies the purchaser and shall indicate the number of the permit issued to the  
8 purchaser, the general character of tangible personal property or taxable service sold  
9 by the purchaser and the basis for the claimed exemption. The certificate shall be  
10 ~~be in such~~ and contain the required information  
substantially in the form that the department prescribes by rule

11 SECTION 60. 77.53 (17) of the statutes is amended to read:

12 77.53 (17) This section does not apply to tangible personal property purchased  
13 outside this state, as determined under s. 77.522, other than motor vehicles, boats,  
14 snowmobiles, mobile homes not exceeding 45 feet in length, trailers, semitrailers,  
15 all-terrain vehicles and airplanes registered or titled or required to be registered or  
16 titled in this state, which is brought into this state by a nondomiciliary for the  
17 person's own storage, use or other consumption while temporarily within this state  
18 when such property is not stored, used or otherwise consumed in this state in the  
19 conduct of a trade, occupation, business or profession or in the performance of  
20 personal services for wages or fees.

21 SECTION 61. 77.53 (17m) of the statutes is amended to read:

22 77.53 (17m) This section does not apply to a boat purchased in a state  
23 contiguous to this state, as determined under s. 77.522, by a person domiciled in that  
24 state if the boat is berthed in this state's boundary waters adjacent to the state of the

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SECTION 61

1 domicile of the purchaser and if the transaction was an exempt occasional sale under  
2 the laws of the state in which the purchase was made.

3 SECTION 62. 77.53 (17r) (a) of the statutes is amended to read:

4 77.53 (17r) (a) It is purchased in another state, as determined under s. 77.522.

5 SECTION 63. 77.53 (18) of the statutes is amended to read:

6 77.53 (18) This section does not apply to the storage, use or other consumption  
7 in this state of household goods for personal use or to aircraft, motor vehicles, boats,  
8 snowmobiles, mobile homes, trailers, semitrailers and all-terrain vehicles, for  
9 personal use, purchased by a nondomiciliary of this state outside this state, as  
10 determined under s. 77.522. 90 days or more before bringing the goods or property  
11 into this state in connection with a change of domicile to this state.

12 SECTION 64. 77.54 (1) of the statutes is amended to read:

13 77.54 (1) The ~~gross receipts~~ sales price from the sale of and the storage, use or  
14 other consumption in this state of tangible personal property and services the gross  
15 ~~receipts~~ sales price from the sale of which, or the storage, use or other consumption  
16 of which, this state is prohibited from taxing under the constitution or laws of the  
17 United States or under the constitution of this state.

18 SECTION 65. 77.54 (1b) of the statutes is created to read:

*A deduction may be claimed for*

19 77.54 (1b) The part of the sales price or purchase price that the seller refunds  
20 in cash or credit as a result of returned property or adjustments in the sales price or  
21 purchase price after the sale has been completed, if the seller has included the  
22 refunded price in a prior return made by the seller and has paid the tax on such price,  
23 and if the seller has returned to the purchaser in cash or in credit all tax previously  
24 paid by the purchaser on the amount of the refund at the time of the purchase. *The deduction*

SECTION 66. 77.54 (1e) of the statutes is created to read:

*Shall be taken on the  
return for the  
period in which  
the refund is made*

*Can put in  
back in sales price  
& gross  
receipt*

*Put in  
return  
20  
adjustment  
21  
in  
77.535  
Should 23 also  
allow 24  
purchaser  
to claim  
25  
refund*

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SECTION 66

*Back in sales price  
& purchase price*

1        77.54 (1e) Thirty-five percent of the sales price or purchase price, excluding  
2        trade-ins, of a new mobile home, as defined in s. 340.01 (29), that is a primary  
3        housing unit or of a new mobile home, as defined in s. 340.01 (29), that is transported  
4        in 2 unattached sections if the total size of the combined sections, not including  
5        additions and attachments, is at least 984 square feet measured when the sections  
6        are ready for transport.

7        SECTION 67. 77.54 (1g) of the statutes is created to read:

8        77.54 (1g) At the retailer's option; except that after the retailer chooses an  
9        option the retailer may not use the other option for other sales without the  
10       department's written approval; either 35% of the sales price or purchase price of a  
11       manufactured building, as defined in s. 101.71 (6), or an amount equal to the sales  
12       price or purchase price of the manufactured building minus the cost of materials that  
13       become an ingredient or component part of the building.

14       SECTION 68. 77.54 (2) of the statutes is amended to read:

15       77.54 (2) The ~~gross receipts~~ sales price from sales of and the storage, use or  
16       other consumption of tangible personal property becoming an ingredient or  
17       component part of an article of tangible personal property or which is consumed or  
18       destroyed or loses its identity in the manufacture of tangible personal property in  
19       any form destined for sale, but this exemption shall not include fuel or electricity.

20       SECTION 69. 77.54 (2m) of the statutes is amended to read:

21       77.54 (2m) The ~~gross receipts~~ sales price from the sales of and the storage, use  
22       or other consumption of tangible personal property or services that become an  
23       ingredient or component of shoppers guides, newspapers or periodicals or that are  
24       consumed or lose their identity in the manufacture of shoppers guides, newspapers  
25       or periodicals, whether or not the shoppers guides, newspapers or periodicals are

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SECTION 72

1 property which is the subject of any such sale, by any elementary school or secondary  
2 school, exempted as such from payment of income or franchise tax under ch. 71,  
3 whether public or private.

4 SECTION 73. 77.54 (5) (intro.) of the statutes is amended to read:

5 77.54 (5) (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,  
6 use or other consumption of:

7 SECTION 74. 77.54 (6) (intro.) of the statutes is amended to read:

8 77.54 (6) (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,  
9 use or other consumption of:

10 \* Amend 77.54 (8) - Interest & finance charges addressed in purchase price & sales price

SECTION 75. 77.54 (9) of the statutes is amended to read:

11 77.54 (9) The ~~gross receipts~~ sales price from sales of tickets or admissions to  
12 public and private elementary and secondary school activities, where the entire net  
13 proceeds therefrom are expended for educational, religious or charitable purposes.

14 SECTION 76. 77.54 (9a) (intro.) of the statutes is amended to read:

15 77.54 (9a) (intro.) The ~~gross receipts~~ sales price from sales to, and the storage  
16 by, use by or other consumption of tangible personal property and taxable services  
17 by:

18 SECTION 77. 77.54 (10) of the statutes is amended to read:

19 77.54 (10) The ~~gross receipts~~ sales price from the sale of all admission fees,  
20 admission stickers or camping fees under s. 27.01 (7) to (11) and all admission fees  
21 to any museum operated by a nonprofit corporation under a lease agreement with  
22 the state historical society.

23 SECTION 78. 77.54 (11) of the statutes is amended to read:

24 77.54 (11) The ~~gross receipts~~ sales price from the sales of and the storage, use  
25 or other consumption in this state of motor vehicle fuel, general aviation fuel or

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SECTION 78

1 alternate fuel, subject to taxation under ch. 78, unless the motor vehicle fuel or  
2 alternate fuel tax is refunded under s. 78.75 because the buyer does not use the fuel  
3 in operating a motor vehicle upon the public highways.

4 SECTION 79. 77.54 (12) of the statutes is amended to read:

5 77.54 (12) The ~~gross receipts~~ sales price from the sales of and the storage, use  
6 or other consumption in this state of rail freight or passenger cars, locomotives or  
7 other rolling stock used in railroad operations, or accessories, attachments, parts,  
8 lubricants or fuel therefor.

9 SECTION 80. 77.54 (13) of the statutes is amended to read:

10 77.54 (13) The ~~gross receipts~~ sales price from the sales of and the storage, use  
11 or other consumption in this state of commercial vessels and barges of 50-ton burden  
12 or over primarily engaged in interstate or foreign commerce or commercial fishing,  
13 and the accessories, attachments, parts and fuel therefor.

14 SECTION 81. 77.54 (14) (intro.) of the statutes is amended to read:

15 77.54 (14) (intro.) The gross receipts from the sales of and the storage, use, or  
16 other consumption in this state of ~~medicines~~ drugs that are any of the following:

17 SECTION 82. 77.54 (14) (a) of the statutes is amended to read:

18 77.54 (14) (a) Prescribed for the treatment of a human being by a person  
19 authorized to prescribe the ~~medicines~~ drugs, and dispensed on prescription filled by  
20 a registered pharmacist in accordance with law.

21 *Amend (b) to clarify human being*  
SECTION 83. 77.54 (14) (f) of the statutes is amended to read:

22 77.54 (14) (f) Furnished without charge to a physician, surgeon, nurse  
23 anesthetist, advanced practice nurse, osteopath, dentist who is licensed under ch.  
24 447, podiatrist who is licensed under ch. 448, or optometrist who is licensed under  
25 ch. 449 if the ~~medicine~~ drug may not be dispensed without a prescription.

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SECTION 88

1 SECTION 88. 77.54 (17) of the statutes is amended to read:

2 77.54 (17) The ~~gross receipts~~ sales price from the sales of and the storage, use  
3 or other consumption of water when delivered through mains.

4 SECTION 89. 77.54 (18) of the statutes is amended to read:

5 77.54 (18) When the sale, lease or rental of a service or property that was  
6 previously exempt or not taxable under this subchapter becomes taxable, and the  
7 service or property is furnished under a written contract by which the seller is  
8 unconditionally obligated to provide the service or property for the amount fixed  
9 under the contract, the seller is exempt from sales or use tax on the ~~gross receipts~~  
10 sales price for services or property provided until the contract is terminated,  
11 extended, renewed or modified. However, from the time the service or property  
12 becomes taxable until the contract is terminated, extended, renewed or modified the  
13 user is subject to use tax, measured by the sales purchase price, on the service or  
14 property purchased under the contract.

15 SECTION 90. 77.54 (20) of the statutes is repealed.

16 SECTION 91. 77.54 (20m) of the statutes is repealed.

17 SECTION 92. 77.54 (20n) of the statutes is created to read:

18 77.54 (20n) The sales price from the sale of and the storage, use, or other  
19 consumption of food and food ingredients, except candy, soft drinks, dietary  
20 supplements, and prepared food.

21 SECTION 93. 77.54 (21) of the statutes is amended to read:

22 77.54 (21) The ~~gross receipts~~ sales price from the sales of and the storage, use  
23 or other consumption of caskets and burial vaults for human remains.

24 *See notes to Ore*  
SECTION 94. 77.54 (22) of the statutes is repealed.

25 SECTION 95. 77.54 (22b) of the statutes is created to read:

Note to Joe

- Add exemption similar to 77.54(20)(c)4 for:

Prepared food sold by those organizations listed

- Add exemption similar to 77.54(20)(c)5, for

Food & food ingredients furnished....

(c)(4) Prepared food sold by

— remove the  
"served" language  
keep "in the ab..."

(c)(5) Food and food ingredients



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SECTION 123

1 charges collect, to a point outside this state and the property is actually transported  
2 to the out-of-state destination for use by the carrier in the conduct of its business  
3 as a carrier.

4 SECTION 124. 77.55 (2m) of the statutes is amended to read:

5 77.55 (2m) There ~~are is~~ exempted from the computation of the amount of sales  
6 tax the ~~gross receipts~~ sales price from sales of railroad crossties to a common or  
7 contract carrier, shipped wholly or in part by way of the purchasing carrier under a  
8 bill of lading, whether the freight is paid in advance or the shipment is made freight  
9 charges collect, to a point outside this state if the property is transported to the  
10 out-of-state destination for use by the carrier in the conduct of its business as a  
11 carrier. Interruption of the shipment for storage, drying, processing or creosoting of  
12 the railroad crossties in this state does not invalidate the exemption under this  
13 subsection.

14 SECTION 125. 77.55 (3) of the statutes is amended to read:

15 77.55 (3) There ~~are is~~ exempted from the computation of the amount of the sales  
16 tax the ~~gross receipts~~ sales price from sales of tangible personal property purchased  
17 for use solely outside this state and delivered to a forwarding agent, export packer,  
18 or other person engaged in the business of preparing goods for export or arranging  
19 for their exportation, and actually delivered to a port outside the continental limits  
20 of the United States prior to making any use thereof.

21 SECTION 126. 77.56 (1) of the statutes is amended to read:

22 77.56 (1) The storage, use or other consumption in this state of property, the  
23 ~~gross receipts~~ sales price from the sale of which ~~are is~~ reported to the department in  
24 the measure of the sales tax, is exempted from the use tax.

25 SECTION 127. 77.57 of the statutes is repealed.

Need to keep this - just remove fairmarket value language. Should we add same language as amended 77.52(13) for restaurant employees? sold restaurant employees' property

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SECTION 128

1 SECTION 128. 77.58 (3) (b) of the statutes is amended to read:

2 77.58 (3) (b) For purposes of the sales tax the return shall show the ~~gross~~  
3 receipts sales price of the seller during the preceding reporting period. For purposes  
4 of the use tax, in case of a return filed by a retailer, the return shall show the total  
5 sales purchase price of the property or taxable services sold, the storage, use or  
6 consumption of which became subject to the use tax during the preceding reporting  
7 period. In case of a sales or use tax return filed by a purchaser, the return shall show  
8 the total sales purchase price of the property and taxable services purchased, the  
9 storage, use or consumption of which became subject to the use tax during the  
10 preceding reporting period. The return shall also show the amount of the taxes for  
11 the period covered by the return and such other information as the department  
12 deems necessary for the proper administration of this subchapter.

13 SECTION 129. 77.58 (6) of the statutes is amended to read:

14 77.58 (6) For the purposes of the sales tax ~~gross receipts~~, the sales price from  
15 rentals or leases of tangible personal property shall be reported and the tax paid in  
16 accordance with such rules as the department prescribes.

17 SECTION 130. 77.585 of the statutes is created to read:

18 77.585 Return adjustments. (1) In this section, "bad debt" means the  
19 portion of the sales price or purchase price that the seller has reported as taxable  
20 under this subchapter and that the seller may claim as a deduction under section 166  
21 of the Internal Revenue Code. "Bad debt" includes worthless checks, worthless credit  
22 card payments, and uncollectible credit accounts. "Bad debt" does not include  
23 financing charges or interest, sales or use taxes imposed on the sales price or  
24 purchase price, uncollectible amounts on property that remains in the seller's  
25 possession until the full sales price or purchase price is paid, expenses incurred in

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SECTION 130

1 attempting to collect any debt, debts sold or assigned to 3rd parties for collection, and  
2 repossessed property.

3 (2) A seller is relieved from liability for the sales tax or use tax imposed under  
4 ~~this subchapter insofar as the measure of the tax is represented by bad debt that has~~  
5 ~~been charged off for federal income tax purposes or, in the case of a seller who is not~~  
6 ~~required to file a federal income tax return, bad debt that may be charged off for~~  
7 ~~federal income tax purposes. If the seller has previously paid the tax, the seller may,~~  
8 ~~within 12 months from the month in which the bad debt is either charged off for~~  
9 ~~federal income tax purposes or, in the case of a seller who is not required to file a~~  
10 ~~federal income tax return, could have been charged off for federal income tax~~  
11 ~~purposes, take a deduction from the measure of the tax the amount of the bad debt.~~ *may* *The deduction is on the return for the period during which the...*  
12 *previous deduction* *language from agree-*  
13 If any such bad debt is subsequently collected in whole or in part by the seller, the *ment*  
14 *and* amount collected shall be included in the ~~first~~ *100% Sec 320.* *Part C* return filed *for the period in which* after such collection *and*  
the tax shall be paid with the return.

15 (3) For purposes of computing a bad debt deduction or reporting a payment  
16 received on a previously claimed bad debt, any payment made on a debt or on an  
17 account is applied first to the price of the property or service sold, and the  
18 proportionate share of the sales tax on that property or service, and then to interest,  
19 service charges, and other charges related to the sale.

20 (4) A seller may obtain a refund of the tax collected on any bad debt *deduction on*  
21 that exceeds the amount of the seller's taxable sales *in the 12 months following the*  
22 *consistent with 77.59 (4), however the statute of limitations*  
23 *month in which the bad debt is either charged off for federal income tax purposes or*  
24 *shall be measured from the date of the return on which the debt*  
~~in the case of a seller who is not required to file a federal income tax return, could~~ *could*  
~~have been charged off for federal income tax purposes.~~ *first*  
*be*  
*claimed*

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SECTION 130

1 (5) If a seller is using a certified service provider, the certified service provider  
2 may claim a bad debt deduction under this section on the seller's behalf if the seller  
3 has not claimed and will not claim the same deduction. A certified service provider  
4 who receives a bad debt deduction under this section shall credit that deduction to  
5 the seller and a certified service provider who receives a refund under this section  
6 shall submit that refund to the seller.

7 SECTION 131. 77.59 (2m) of the statutes is created to read:

8 77.59 (2m) The department may audit, or may authorize others to audit, sellers  
9 and certified service providers who are registered with the department pursuant to  
10 the agreement, as defined in s. 77.65 (2) (a).

11 SECTION 132. 77.59 (9) of the statutes is amended to read:

12 77.59 (9) If any person fails to file a return, the department shall make an  
13 estimate of the amount of the ~~gross receipts~~ <sup>is sales</sup> sales price of the person, or, as the case  
14 may be, of the amount of the total sales ~~purchase~~ price of tangible personal property  
15 or taxable service sold or purchased by the person, the sale by or the storage, use or  
16 other consumption of which in this state is subject to sales or use tax. The estimate  
17 shall be made for the period in respect to which the person failed to make a return  
18 and shall be based upon any information which is in the department's possession or  
19 may come into its possession. Upon the basis of this estimate the department shall  
20 compute and determine the amount required to be paid to the state, adding to the  
21 sum thus arrived at a penalty equal to 25% thereof. One or more such determinations  
22 may be made for one or for more than one period. When a business is discontinued  
23 a determination may be made at any time thereafter, within the periods specified in  
24 sub. (3), as to liability arising out of that business.

25 SECTION 133. 77.59 (9n) of the statutes is created to read:

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SECTION 133

1 *Ag - 12/10*  
27-31 77.59 (9n) No seller or certified service provider is liable for any deficiency or  
2 refund under this subchapter that is the result of the seller or certified service  
3 provider relying on erroneous information contained in a database maintained  
4 under s. 73.03 (59) (d) or (e).

5 SECTION 134. 77.60 (13) of the statutes is created to read:

6 77.60 (13) A person who uses any of the following documents in a manner that  
7 is prohibited by or inconsistent with this subchapter, or provides incorrect  
8 information to a seller or certified service provider related to the use of such  
9 documents or regarding an exemption to the taxes imposed under this subchapter,  
10 shall pay a penalty of \$250 for each invoice or bill of sale related to the prohibited or  
11 inconsistent use or incorrect information:

- 12 (a) <sup>*an exemption*</sup> A resale certificate described under s. 77.52 (13).  
13 (b) A direct pay permit under s. 77.52 (17m).  
14 (c) A direct mail form, as defined in s. 77.522 (1) (a) 1.  
15 (d) <sup>*MPV*</sup> An exemption form, as defined in s. 77.522 (1) (a) 2.

16 SECTION 135. 77.61 (1) (a) of the statutes is renumbered 77.61 (1) (am).

17 SECTION 136. 77.61 (1) (ag) of the statutes is created to read:

18 77.61 (1) (ag) In this subsection, "Wisconsin retailer" means a retailer who  
19 registers with the department to collect the taxes imposed under this subchapter and  
20 subch. V.

21 SECTION 137. 77.61 (1) (b) of the statutes is amended to read:

22 77.61 (1) (b) In the case of a motor vehicle, aircraft, boat, or mobile home  
23 purchased from a licensed Wisconsin motor vehicle dealer retailer, the registrant  
24 shall present proof that the tax has been paid to such dealer retailer.

25 SECTION 138. 77.61 (1) (c) of the statutes is amended to read:

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SECTION 138

1        77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, mobile homes  
2        not exceeding 45 feet in length, trailers, semitrailers, all-terrain vehicles or aircraft  
3        registered or titled, or required to be registered or titled, in this state purchased from  
4        persons who are not Wisconsin ~~boat, trailer or semitrailer dealers, licensed~~  
5        ~~Wisconsin aircraft, motor vehicle or mobile home dealers or registered Wisconsin~~  
6        ~~snowmobile or all-terrain vehicle dealers~~ retailers, the purchaser shall file a sales  
7        tax return and pay the tax prior to registering or titling the motor vehicle, boat,  
8        snowmobile, mobile home not exceeding 45 feet in length, trailer, semitrailer,  
9        all-terrain vehicle or aircraft in this state.

10       SECTION 139. 77.61 (3) of the statutes is repealed.

11 <sup>Ag 2A</sup> SECTION 140. 77.61 (3m) of the statutes is created to read:  
12 <sup>20-29</sup>

12       77.61 (3m) A retailer shall use a straight mathematical computation, ~~under~~  
13 ~~rules promulgated by the department~~, to determine the amount of the tax that the  
14       retailer may collect from the retailer's customers. The retailer shall calculate the tax  
15       amount by combining the applicable tax rates under this subchapter and subch. V  
16       and multiplying the combined tax rate by the sales price or purchase price of each  
17       item or invoice, as appropriate. The retailer shall calculate the tax amount to the 3rd  
18       decimal place, disregard tax amounts of less than 0.5 cent, and consider tax amounts  
19       of at least 0.5 cent but less than 1 cent to be an additional cent. The use of a straight  
20       mathematical computation, as provided in this subsection, shall not relieve the  
21       retailer from liability for payment of the full amount of the tax levied under ss. 77.51  
22       to 77.62.

23       SECTION 141. 77.61 (5m) of the statutes is created to read:

24       77.61 (5m) (a) In this subsection, "personally identifiable information" has the  
25       meaning given in s. 19.62 (5).

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SECTION 141

1 (b) A certified service provider may use personally identifiable information as  
2 necessary only for the administration of its system to perform a seller's sales and use  
3 tax functions and shall provide consumers clear and conspicuous notice of its practice  
4 regarding such information, including how it collects the information, how it uses the  
5 information, and under what circumstances it discloses the information.

6 (c) A certified service provider may retain personally identifiable information  
7 only to verify exemption claims, to investigate fraud, and to ensure its system's  
8 reliability. A certified service provider who retains an individual's personally  
9 identifiable information shall provide reasonable notice of such retention to the  
10 individual and shall provide the individual reasonable access to the information and  
11 an opportunity to correct inaccurate information. If any person, other than a state  
12 that is a signatory to the agreement, as defined in s. 77.65 (2) (a), requests access to  
13 an individual's personally identifiable information, the certified service provider  
14 shall make a reasonable and timely effort to notify the individual of the request.

15 (d) A certified service provider shall provide sufficient technical, physical, and  
16 administrative safeguards to protect personally identifiable information from  
17 unauthorized access and disclosure.

18 SECTION 142. 77.61 (16) of the statutes is created to read:

19 77.61 (16) Any person who remits taxes and files returns under this subchapter  
20 may designate an agent, <sup>SP</sup> ~~in writing~~, to remit taxes and file returns with the  
21 department <sup>in a manner prescribed by the department</sup> subject to the department's approval.

22 SECTION 143. 77.63 (1) (am) of the statutes is created to read:

23 77.63 (1) (am) A seller or certified service provider who uses a certified  
24 automated system, as defined in s. 77.524 (1) (a), or software certified by the  
25 department in accordance with the streamlined sales and use tax agreement to

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1 collect the sales tax and use tax imposed under this subchapter may retain a portion  
 2 all such collected taxes in an amount determined by the department and by contracts  
 3 that the department enters into pursuant to the ~~streamlined sales and use tax~~  
 4 agreement. *as defined in . . .*

*> Add definition of agent?*

5 SECTION 144. 77.65 (2) (d) of the statutes is amended to read:

6 77.65 (2) (d) "Sales tax" means the tax imposed under ss. 77.52, ~~77.57~~, and  
 7 77.71 (1). *RVP*

8 SECTION 145. 77.66 of the statutes is created to read:

9 77.66 Amnesty for new registrants. (1) A seller is not liable for uncollected  
 10 and unpaid taxes, including penalties and interest, imposed under this subchapter  
 11 and subch. V on sales made to purchasers in this state before the seller registers  
 12 under par. (a), if all of the following apply:

13 (a) The seller registers with the department, in a manner that the department  
 14 prescribes, to collect and remit the taxes imposed under this subchapter and subch.  
 15 V on sales to purchasers in this state in accordance with the agreement, as defined  
 16 in s. 77.65 (2) (a).

17 (b) The seller registers under par. (a) before January 1, 2005. *within 12 months of the effective date of this State's participation in the agreement*

18 (c) The seller was not registered to collect and remit the taxes imposed under  
 19 this subchapter and subch. V during the 365 consecutive days immediately before  
 20 ~~January 1, 2004~~ *the effective date of this State's participation in the agreement*

21 (d) The seller has not received an audit notice from the department or from a  
 22 state that is a signatory to the agreement, as defined in s. 77.65 (2) (a), and is not  
 23 subject to an audit or involved in an appeal of an audit at the time that the seller  
 24 registers under par. (a).



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1 a rate of no more than 0.1% of the gross receipts or sales price. Those taxes may be  
2 imposed only in their entirety. The resolution shall be effective on the first day of the  
3 ~~first month~~ January 1, April 1, July 1, or October 1 that begins at least 30 ~~60~~ <sup>120</sup> days  
4 after the adoption of the resolution.

5 SECTION 148. 77.706 of the statutes is amended to read:

6 77.706 Adoption by resolution; football stadium district. A local  
7 professional football stadium district created under subch. IV of ch. 229, by  
8 resolution under s. 229.824 (15), may impose a sales tax and a use tax under this  
9 subchapter at a rate of 0.5% of the gross receipts or sales price. Those taxes may be  
10 imposed only in their entirety. The imposition of the taxes under this section shall  
11 be effective on the first day of the first month January 1, April 1, July 1, or October  
12 1 that begins at least 30 ~~60~~ <sup>120</sup> days after the certification of the approval of the  
13 resolution by the electors in the district's jurisdiction under s. 229.824 (15).

14 SECTION 149. 77.707 (1) of the statutes is amended to read:

15 77.707 (1) Retailers and the department of revenue may not collect a tax under  
16 s. 77.705 for any local professional baseball park district created under subch. III of  
17 ch. 229 after the last day of the calendar quarter during that is at least 120 days from  
18 the date on which the local professional baseball park district board makes a  
19 certification to the department of revenue under s. 229.685 (2), except that the  
20 department of revenue may collect from retailers taxes that accrued before the day  
21 after the last day of that calendar quarter and fees, interest and penalties that relate  
22 to those taxes.

23 SECTION 150. 77.707 (2) of the statutes is amended to read:

24 77.707 (2) Retailers and the department of revenue may not collect a tax under  
25 s. 77.706 for any local professional football stadium district created under subch. IV

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1 of ch. 229 after the last day of the calendar quarter during that is at least 120 days  
2 from the date on which the local professional football stadium district board makes  
3 all of the certifications to the department of revenue under s. 229.825 (3), except that  
4 the department of revenue may collect from retailers taxes that accrued before the  
5 day after the last day of that calendar quarter and fees, interest and penalties that  
6 relate to those taxes.

7 SECTION 151. 77.71 (1) of the statutes is amended to read:

8 77.71 (1) For the privilege of selling, licensing, leasing or renting tangible  
9 personal property and for the privilege of selling, performing or furnishing services  
10 a sales tax is imposed upon retailers at the rate of 0.5% in the case of a county tax  
11 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the gross *sales price*  
12 receipts from the sale, licensing, lease or rental of tangible personal property, except  
13 property taxed under sub. (4), sold, licensed, leased or rented at retail in the county  
14 or special district or from selling, performing or furnishing services described under  
15 s. 77.52 (2) in the county or special district.

16 SECTION 152. 77.71 (2) of the statutes is amended to read:

17 77.71 (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax  
18 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales  
19 purchase price upon every person storing, using or otherwise consuming in the  
20 county or special district tangible personal property or services if the property or  
21 service is subject to the state use tax under s. 77.53, except that a receipt indicating  
22 that the tax under sub. (1), (3) or (4) has been paid relieves the buyer of liability for  
23 the tax under this subsection and except that if the buyer has paid a similar local tax  
24 in another state on a purchase of the same property or services that tax shall be  
25 credited against the tax under this subsection and except that for motor vehicles that

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1 are used for a purpose in addition to retention, demonstration or display while held  
2 for sale in the regular course of business by a dealer the tax under this subsection  
3 is imposed not on the sales purchase price but on the amount under s. 77.53 (1m).

4 SECTION 153. 77.71 (3) of the statutes is amended to read:

5 77.71 (3) An excise tax is imposed upon a contractor engaged in construction  
6 activities within the county or special district, at the rate of 0.5% in the case of a  
7 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax  
8 of the sales purchase price of tangible personal property that is used in constructing,  
9 altering, repairing or improving real property and that becomes a component part  
10 of real property in that county or special district, except that if the contractor has  
11 paid the sales tax of a county in the case of a county tax or of a special district in the  
12 case of a special district tax in this state on that property, or has paid a similar local  
13 sales tax in another state on a purchase of the same property, that tax shall be  
14 credited against the tax under this subsection.

15 SECTION 154. 77.71 (4) of the statutes is amended to read:

16 77.71 (4) An excise tax is imposed at the rate of 0.5% in the case of a county tax  
17 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales  
18 purchase price upon every person storing, using or otherwise consuming a motor  
19 vehicle, boat, snowmobile, ~~mobile home not exceeding 45 feet in length~~ trailer, *leave in - we can be different*  
20 ~~semitrailer, all-terrain vehicle~~ or aircraft, if that property must be registered or  
21 titled with this state and if that property is to be customarily kept in a county that  
22 has in effect an ordinance under s. 77.70 or in a special district that has in effect a  
23 resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local  
24 sales tax in another state on a purchase of the same property that tax shall be  
25 credited against the tax under this subsection.

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1 SECTION 155. 77.72 (1) of the statutes is amended to read:

2 77.72 (1) ~~GENERAL RULE FOR PROPERTY.~~ For the purposes of this subchapter, all  
3 retail sales of tangible personal property are completed <sup>and taxable services</sup> at the time when, and the  
4 place where, the seller or the seller's agent transfers possession to the buyer or the  
5 buyer's agent. In this subsection, a common carrier or the U.S. postal service is the  
6 agent of the seller, regardless of any f.o.b. point and regardless of the method by  
7 which freight or postage is paid. Rentals and leases of property, except property  
8 under sub. (2), have a situs at the location of that property as provided in <sup>ss 77.51(14) and</sup> 77.522.

9 SECTION 156. 77.72 (2) of the statutes is repealed.

10 SECTION 157. 77.72 (3) of the statutes is amended to read:

11 77.72 (3) SERVICES. (a) *General rule.* Except as provided in par. (b), services  
12 have a situs at the location where they are furnished determined under s. 77.522.

13 (b) *Exceptions.* ~~A communication service has a situs where the customer is~~  
14 ~~billed for the service if the customer calls collect or pays by credit card. Services~~  
15 ~~subject to s. 77.52 (2) (a) 5. b. have a situs at the customer's place of primary use of~~  
16 ~~the services, as determined under 4 USC 116 to 126, as amended by P.L. 106-252.~~  
17 ~~Towing services have a situs at the location to which the vehicle is delivered. Services~~  
18 ~~performed on tangible personal property have a situs at the location where the~~  
19 ~~property is delivered to the buyer.~~

20 SECTION 158. 77.77 (1) of the statutes is amended to read:

21 77.77 (1) The gross receipts sales price from services subject to the tax under  
22 s. 77.52 (2) ~~are~~ is not subject to the taxes under this subchapter, and the incremental  
23 amount of tax caused by a rate increase applicable to those services is not due, if those  
24 services are billed to the customer and paid for before the effective date of the county

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1 ordinance, special district resolution or rate increase, whether the service is  
2 furnished to the customer before or after that date.

3 SECTION 159. 77.785 (1) of the statutes is amended to read:

4 77.785 (1) All retailers shall collect and report the taxes under this subchapter  
5 on the ~~gross receipts~~ sales price from leases and rentals of property under s. 77.71  
6 (4).

7 SECTION 160. 77.785 (2) of the statutes is amended to read:

8 *Keep* 77.785 (2) Prior to registration or titling, a retailer of a boat ~~[all-terrain vehicle,~~  
9 ~~trailer and semi-trailer dealers and licensed aircraft, motor vehicle, or mobile home~~  
10 ~~and snowmobile dealers~~ shall collect the taxes under this subchapter on sales of  
11 items under s. 77.71 (4). The ~~dealer~~ retailer shall remit those taxes to the  
12 department of revenue along with payments of the taxes under subch. III.

13 SECTION 161. 77.98 of the statutes is amended to read:

14 77.98 Imposition. A local exposition district under subch. II of ch. 229 may  
15 impose a tax on the retail sale, except sales for resale, within the district's  
16 jurisdiction under s. 229.43 of products food and food ingredients, as defined in s.  
17 77.51 (3t), that are subject to a tax under s. 77.54 (20) (c) 1. to 3. <sup>2001 note</sup> *back as it was reference to (99.100) state?*  
18 ~~the sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), (9a) or (20) (c) 5 (20n).~~

19 SECTION 162. 77.981 of the statutes is amended to read:

20 77.981 Rate. The tax under s. 77.98 is imposed on the sale of taxable products  
21 at the rate of 0.25% of the ~~gross receipts~~ sales price, except that the district, by a vote  
22 of a majority of the authorized members of its board of directors, may impose the tax  
23 at the rate of 0.5% of the ~~gross receipts~~ sales price. A majority of the authorized  
24 members of the district's board may vote that, if the balance in a special debt service  
25 reserve fund of the district is less than the requirement under s. 229.50 (5), the tax